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18 UNITED STATES OF AMERICA

19 UNITED STATES DISTRICT COURT
20 FOR THE CENTRAL DISTRICT OF CALIFORNIA
21 SOUTHERN DIVISION

22 UNITED STATES OF AMERICA,

23 No. SA CR 23-114-JWH

24 Plaintiff,

25 GOVERNMENT'S SENTENCING POSITION

v.

26 Hearing Date: March 28, 2025
27 2:00 p.m.

HARISH SINGH SIDHU,
aka "Harry Sidhu,"

Defendant.

28 Plaintiff United States of America, by and through its counsel
of record, the Acting United States Attorney for the Central District
of California and Assistant United States Attorney Melissa Rabbani,
hereby submits its position regarding sentencing.

29 The government's position is based upon the attached memorandum
30 of points and authorities, the files and records in this case, the
31 Presentence Report ("PSR") and disclosed recommendation letter filed

1 on February 28, 2025, and any other evidence or argument that the
2 Court may wish to consider at the time of sentencing.

3 Dated: March 14, 2025

4 Respectfully submitted,

5 JOSEPH T. MCNALLY
6 Acting United States Attorney

7 /s/ *Melissa S. Rabbani*
8 MELISSA S. RABBANI
9 Assistant United States Attorney

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11 UNITED STATES OF AMERICA

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1 **TABLE OF AUTHORITIES**

2 **CASES**

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

In 2018, the people of Anaheim elected defendant Harry Sidhu as their mayor. In that role, defendant swore to put the interests of the city above his own. But not long after his election, defendant began doing exactly the opposite.

In 2019 and 2020, defendant worked with others in city leadership to negotiate the sale of Angel Stadium to the Angels baseball team. The stadium sale was an incredible opportunity for the city, with the potential to bring in hundreds of millions of dollars.

Rather than work to ensure the city of Anaheim received the best deal possible from the Angels, defendant worked behind the scenes to make the potential deal better for the Angels - and as defendant later acknowledged in a recorded phone call, did so with the expectation that he would receive a significant campaign contribution of at least \$1 million.

Knowing his conduct was wrong, and a betrayal of the city of Anaheim, defendant purposely deleted multiple emails relating to the stadium negotiation. And when he was first approached by the FBI about the negotiation, he lied - claiming that he did not recall sharing confidential information with the Angels and that he expected "nothing" from the Angels after the sale.

Based on his conduct, and a separate incident in which defendant knowingly made false statements to the FAA to avoid paying California tax on a helicopter, defendant pled guilty to four felonies: one count of obstruction of justice, two counts of making false statements to a federal agency, and one count of wire fraud.

1 The United States Probation Office ("USPO") filed a Presentence
2 Report ("PSR") on February 28, 2025. Dkt. 33. The USPO determined
3 that the total applicable offense level in this case is 12 and that
4 defendant's criminal history is in category I, resulting in a
5 guidelines range of 10 to 16 months of imprisonment. Id. at 4. The
6 USPO recommends that the Court apply a significant downward variance
7 and sentence defendant to three years of probation, as well as a
8 total fine of \$175,000 and the mandatory special assessment of \$400.
9 Dkt. 32.

10 As set forth below, the government largely agrees with the
11 USPO's calculations as to the applicable offense level in this case,
12 but pursuant to the parties' plea agreement, the government
13 respectfully recommends that the Court impose a one-level downward
14 adjustment to the offense level based on defendant's early acceptance
15 of responsibility in this case. Thus, the government believes that
16 the total offense level in this case should be 11, rather than 12,
17 and that the applicable guidelines range is thus 8 to 14 months
18 rather than 10 to 16.¹

19 Importantly, however, the government does not agree that a
20 variance down to a sentence of probation is appropriate here.
21 Defendant betrayed the City of Anaheim. He deleted the evidence of
22 his conduct and lied repeatedly to federal agents. He lied again,
23 later, simply to avoid paying sales tax on a helicopter. Defendant
24 did not engage in this criminal conduct out of desperation, or
25 addiction, or because he had no better options: he did so to further

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28

¹ There is no dispute that defendant's criminal history category
is I.

1 his own political ambition and to save himself a relatively trivial
2 amount of money.

3 To his credit, defendant has since accepted responsibility for
4 his actions, resigned from office, and repaid the taxes he evaded.
5 Defendant himself is unlikely to commit similar crimes in the future.
6 But a term of imprisonment is absolutely necessary to sanction
7 defendant's breach of the public trust and, perhaps most importantly,
8 to promote respect for the law among wealthy and powerful individuals
9 like defendant. See 18 U.S.C. § 3553(a). A significant downward
10 variance sends a troubling message: it suggests that defendants who
11 engage in white-collar, public-corruption crimes like this one can
12 simply remove themselves from public life, pay a fine, and face
13 minimal consequences, with incarceration reserved only for blue-
14 collar, less-privileged defendants.

15 Thus, the government respectfully recommends that the Court
16 impose a sentence of eight months' imprisonment, to be followed by a
17 one-year period of supervised release. The government further
18 recommends that the Court impose a fine of \$40,000, to be paid within
19 90 days of sentencing, and a mandatory special assessment of \$400.

20 **II. SUMMARY OF RELEVANT FACTS**

21 The facts below are taken from the PSR and from the plea
22 agreement filed on August 16, 2023. Dkts. 3, 33.

23 **A. Defendant Betrayed the City of Anaheim During Stadium Sale
24 Negotiations**

25 In 2019 and 2020, the city of Anaheim was negotiating a
26 potential sale of Angel Stadium to SRB Management and the Los Angeles
27 Angels professional baseball team (collectively, "the Angels").
28

1 Defendant sought to become, and became, a member of the city's
2 negotiating team.

3 Without informing the rest of that team, defendant provided
4 confidential inside information belonging to the city - including
5 confidential negotiation information - to Todd Ament, who was then
6 CEO of the Anaheim Chamber of Commerce, and to a consultant working
7 for the Angels (the "Angels consultant"), so that the Angels could
8 buy Angel Stadium from the city on terms beneficial to the Angels.

9 In particular, in 2019, defendant provided a confidential
10 appraisal range related to Angel Stadium to Ament, with the intent
11 that Ament give the appraisal information to the Angels to assist
12 them in negotiations with the City. Dkt. 3 at 12.

13 On July 21, 2020, defendant emailed a document entitled "4844-
14 8343-9299.2 Key Issues - Stadium Transaction Agreement.docx" to Ament
15 and the Angels consultant. Dkt. 3 at 10. That document, which was
16 drafted by attorneys for the city, contained confidential and
17 sensitive negotiation information related to the stadium sale,
18 including a discussion of issues related to price and other purchase
19 and sale terms. For example, in a section entitled "Lease
20 Assignment: Parking," the document advised:

21 [The Angels] eliminate the requirement that they maintain
22 at least 12,500 parking spaces - so upon closing they could
immediately amend the lease to limit their parking
obligation and then flip the land for millions more than
they paid for it. For example, reducing their parking
obligation by 4,000 spaces would translate to \$64M in
increased land value. . . . [T]he City has publicly
acknowledged that the purchase price would be much higher
without this obligation.

26 Dkt. 3 at 10. By providing that information to Ament and the Angels
27 consultant, defendant was helping the Angels - and betraying the City
28 - by advising the Angels of a potential avenue for reducing the

1 purchase price and/or maximizing the Angels' investment, at the
2 expense of Anaheim citizens.

B. Defendant Deleted Evidence of His Conduct During Stadium Sale Negotiations

Defendant knowingly deleted the July 2020 email described above. Dkt. 3 at 13. He also deleted a separate email he received in September 2020 from the Angels consultant. That email, which was sent to defendant's personal email address and copied Ament, two Anaheim City Council members, two City employees, the President and a Senior Vice President of the Angels, and others, was titled "Angels Deal Debate/Council Prep - ROUND 1." Dkt. 3 at 11. The email discussed mock City Council meetings to be held to prepare for an actual City Council meeting on the stadium sale; it stated that defendant was "expected to be a strong defender of the deal." Id. at 12.

C. Defendant Acknowledged, in Recorded Calls, That He Expected Compensation for Helping the Angels

After secretly providing information to the Angels to help them get a better deal from the City, defendant acknowledged, in several phone calls that were recorded without his knowledge, that he expected compensation in the form of a campaign contribution.

On December 6, 2021, for example, defendant made the following statement:

Because I, I've said, you gotta at least, minimum of a million dollars to come up with my election. They have to. And of course, you know, . . . if Angels project would conclude next year is approved hopefully, we'll push them for at least half a million dollars. You know, for [the Angels] to say "no" is bad, for them not to say no on that.

Dkt. 3 at 12-13.

On January 28, 2022, in another call, defendant reiterated:

1 Because I am hoping to get at least a million from I'm
2 going to be pushing it. [Angels representative] actually
3 asked me. He said, "What can I do for your election?" I
said, "Let me finish your deal first, and then we'll talk
about that.

4 Dkt. 3 at 13. In that same call, defendant later added, "So I'm
5 going to be asking for a million dollars from him . . . for my
6 election." Id.

7 **D. Defendant Lied to Federal Agents about His Conduct During
8 Stadium Sale Negotiations**

9 FBI agents interviewed defendant regarding the stadium sale in
10 May 2022. In that interview, defendant repeatedly lied, claiming
11 that he did not recall providing information about the stadium sale
12 to the Angels consultant; that he never used his personal email for
13 City business; and that he was expecting "nothing" from the Angels
14 after the sale. Dkt. 3 at 14.

15 **E. Defendant Lied to the FAA to Avoid Paying Tax on a
16 Helicopter Purchase**

17 In October 2020, defendant bought a used helicopter for
18 approximately \$205,000. In registering the helicopter with the FAA,
19 defendant fraudulently represented that he resided in Arizona, even
20 though he lived in Anaheim, California, and intended to hangar the
21 helicopter in Chino, California - and did so only to avoid paying
22 roughly \$15,000 in California sales tax. Dkt. 3 at 15-16.

23 **F. Defendant Resigned from the Mayorship and Pled Guilty to
24 Four Felonies**

25 In May 2022, after the FBI's investigation became public,
26 defendant resigned as mayor of Anaheim. Defendant quickly agreed to
27 cooperate with the government and sat with government agents for a
28 lengthy proffer session. In August 2023, agreed to plead guilty to
the four counts in the Information.

1 **III. PRESENTENCE REPORT**

2 The USPO determined that the base offense level for the two
3 obstruction-related counts is 14. Dkt. 33 at 16. The USPO then
4 applied a two-level adjustment under U.S.S.G. § 2J1.2(b) (3) (B),
5 because the offense "involved the selection of any essential or
6 especially probative record, document, or tangible object, to destroy
7 or alter." Id. After calculating the offense level for the two
8 fraud-related counts as 11, the USPO applied a one-level multiple
9 count adjustment, resulting in an offense level of 17. Id. at 17-18.
10 After applying a three-level decrease for acceptance of
11 responsibility, and a two-level decrease under the zero-point
12 offender provision, the USPO arrived a total offense level of 12.
13 Id. at 18-19.

14 The USPO calculated defendant's criminal history category as I,
15 Dkt. 33 at 19-20, resulting in a Guidelines range of 10 to 16 months
16 imprisonment, id. at 38.

17 In its disclosed recommendation letter, the USPO recommends a
18 sentence of three years' probation - which would amount to a four-
19 level variance - as well as a fine of \$175,000 and a mandatory
20 special assessment of \$400.

21 **IV. THE GOVERNMENT'S POSITION**

22 The government agrees with the USPO's calculations as to the
23 offense level applicable in this case, except that, pursuant to the
24 parties' plea agreement, the government recommends an additional one-
25 level variance based on defendant's early acceptance of
26 responsibility in this case. See Dkt. 3 at 17. As set forth in the
27 plea agreement, this recommended variance is based on defendant's (i)
28 immediate resignation from the mayorship upon public disclosure of

1 the FBI's investigation; (ii) immediate repayment of the California
2 sales tax he evaded, with penalties; and (iii) agreement to a pre-
3 indictment plea, which includes "a robust factual basis and waives
4 most appellate rights." Id.

5 In particular, the government agrees with the USPO that the two-
6 level adjustment under U.S.S.G. § 2J1.2(b)(3)(B) should be applied
7 here.² Defendant's own statement, submitted in the PSR, makes clear
8 that he did, in fact, select essential or especially probative
9 documents to destroy: "I deleted my emails to Mr. Ament because I was
10 afraid that they would become public and make me look bad politically
11 in my reelection campaign." Dkt. 33 at 13. Defendant sought out and
12 selected the emails he was worried about, knowing that they could
13 "look bad politically" if publicly disclosed because they would
14 reveal he put his own interests above the City's, and deleted them
15 intentionally.

16 With a total offense level of 11, and a criminal history
17 category of I, the applicable guidelines range here is eight to 14
18 months of imprisonment. For the reasons set forth below, the
19 government respectfully submits that a sentence of eight months'
20 imprisonment is appropriate.

21 **A. Nature, Circumstances, and Seriousness of the Offense**

22 As the mayor of Anaheim, defendant had a position of immense
23 public trust - and wasted no time in violating that trust for his own
24 benefit. The sale of Angel Stadium presented an opportunity to bring
25 the City hundreds of millions in revenue and benefit its residents.
26 Instead of working for the benefit of Anaheim's residents, however,

28 ² The government understands that the defense intends to argue
that this adjustment should not apply.

1 defendant followed the money and worked in the best interests of the
2 Angels, a group he understood could benefit him in turn with large
3 campaign contributions to keep his political career going.

4 Not only did defendant betray the City, but he deleted evidence
5 of his conduct and repeatedly lied to federal agents when first
6 approached.

7 Moreover, defendant's lies were not limited to political self-
8 preservation. Defendant lied to the FAA merely to save himself
9 roughly \$15,000 in California tax: surely a trivial sum for someone
10 with the means to purchase a \$200,000 helicopter. Those lies suggest
11 a troubling belief that defendant, and others with wealth and power,
12 are above the law.

13 Since then, to his credit, defendant has accepted responsibility
14 for his crimes. He has left public office and is unlikely to run
15 again. But this Court must sanction defendant's breach of public
16 trust - and perhaps more importantly, a significant sentence in this
17 case is important in deterring others in defendant's position from
18 committing similar crimes.

19 As the Eleventh Circuit recognized in United States v. Martin,
20 455 F.3d 1227, 1240 (11th Cir. 2006), white-collar crimes like
21 defendant's generally are not "sudden crimes of passion or
22 opportunity." Rather, "[d]efendants in white collar crimes often
23 calculate the financial gain and risk of loss, and white collar crime
24 therefore can be affected and reduced with serious punishment."
25 Congress, too, has recognized that deterrence is particularly
26 important in white-collar cases, noting that when white-collar
27 criminals are sentenced to "small fines and little or no
28 imprisonment," it creates an unfortunate impression "that certain

1 offenses are punishable only by a small fine that can be written off
2 as a cost of doing business." See S. Rep. No. 98-225, at 76 (1983),
3 reprinted in 1984 U.S.C.C.A.N. 3182, 3259. See also United States v.
4 Onuoha, 820 F.3d 1049, 1056 (9th Cir. 2016) (recognizing that general
5 deterrence is "an important consideration" in sentencing); United
6 States v. Barker, 771 F.2d 1362, 1368 (9th Cir. 1985) ("[P]erhaps
7 paramount among the purposes of punishment is the desire to deter
8 similar misconduct by others.").

9 The government respectfully submits that defendant's repeated
10 breaches of public trust, and obstruction of justice, warrant a
11 custodial term of imprisonment.

12 **B. Defendant's History and Characteristics**

13 The PSR details an impressive history, chronicling defendant's
14 successful efforts, after immigrating to the United States at 17, to
15 obtain an education, build a career, build a business, raise a
16 family, and give back to the public.

17 The government submits, however, that defendant's personal
18 history is aggravating, rather than mitigating. Unlike so many
19 criminal defendants who appear before this Court, defendant did not
20 turn to criminal activity out of desperation, addiction, or a dearth
21 of better options. When defendant engaged in the criminal activity
22 at issue here, he was a successful, well-educated, well-known, and
23 well-liked businessman and politician, with considerable financial
24 means. Defendant knew right from wrong and had the means, the
25 ability, and the options to live any life he wanted. Unfortunately,
26 he chose, time and again, to prioritize his political career and
27 personal finances over doing the right thing or faithfully serving
28 the public. See United States v. Stefonek, 179 F.3d 1030, 1038 (7th

1 Cir. 1999) (defendants who are able to "make a decent living without
2 resorting to crime" are "more rather than less culpable than their
3 desperately poor and deprived brethren in crime").

4 Defendant should not avoid a sentence of incarceration simply
5 because of his accomplishments – accomplishments that should have
6 made it easy for him to avoid engaging in criminal conduct.

7 **C. Supervised Release**

8 The government recommends that the Court impose a one-year
9 period of supervised release, following his release from custody.

10 **D. Financial Obligations**

11 The government recommends that the Court impose a fine of
12 \$40,000: the high end of the range applicable to an offense level of
13 11 under the Sentencing Guidelines. See U.S.S.G. 5E1.2(c)(3). The
14 government also recommends that the Court impose a mandatory special
15 assessment of \$400.

16 Because defendant has already repaid the taxes he evaded, no
17 restitution order is necessary.

18 **V. CONCLUSION**

19 As set forth above, the government respectfully recommends that
20 the Court impose a sentence of eight months' custody, to be followed
21 by a one-year period of supervised release, and order a fine of
22 \$40,000 and a mandatory special assessment of \$400. The government
23 submits that this sentence is sufficient, but not greater than
24 necessary, to punish defendant, promote respect for the law, deter
25 others from committing similar crimes in the future, and avoid
26 sentencing disparities. See generally 18 U.S.C. § 3553(a).

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